

Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 370 carefully examined, compared, and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 319 carefully examined, compared, and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 123 carefully examined, compared, and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

## SIXTY-SECOND DAY

(Wednesday, May 3, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	
	Absent—Excused
Hill	Metcalf

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Leaves of Absence Granted

Senator Hill was granted leave of absence for today, on account of illness, on motion of Senator Burns.

Senator Metcalfe was granted leave of absence for today on account of illness, on motion of Senator Winfield.

## Reports of Standing Committees

Senator Spears submitted the following report of the Committee on Criminal Jurisprudence:

Austin, Texas,  
May 3, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 792, by Felty, A bill to be entitled "An Act to amend Article 6053 of the Revised Civil Statutes of Texas of 1925, as amended by providing regulations for the design, installation, construction, and operation of containers and pertinent equipment for the storage, handling, and transportation of butane or liquefied petroleum gases, empowering the Railroad Commission to alter and amend such regulations; providing for the cooperation of the Department of Public Safety with the Railroad Commission in the enforcement of the Act; etc.,"

Have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass as amended and be printed.

SPEARS, Chairman.

Senator Weinert submitted the following reports of the Committee on State Affairs:

Austin, Texas,  
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 904, by Pevehouse, A bill to be entitled "An Act providing that all counties within this State, having a population in excess of fifty thousand (50,000) inhabitants, based upon the 1930 Federal Census, may, upon an order being made by their Commissioners' Courts for this purpose, provide for and maintain a county law library; etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 389, by Sulak, A bill to entitled "An Act creating the Texas Marketing Commission, designating the number of members of said Commission and providing for their qualifying through their official connection with the State of Texas and/or their appointment by the Governor; etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WEINERT, Chairman.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 3, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on S. B. No. 135. The following are conferees on the part of the House: Heflin, Thornton, Bond, Brown, Taylor.

The House has passed the following bill:

H. B. No. 1038, A bill to be entitled "An Act making an appropriation for the Texas Relief Commission, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### House Bill 9 on Second Reading

Senator Winfield moved that the regular order of business be suspended and that H. B. No. 9 be taken up for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—21

Aikin	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Moffett	Sulak
Moore	Weinert
Nelson	Winfield

#### Nays—3

Brownlee	Cotten
Burns	Pace

#### Absent

Beck	Van Zandt
Martin	

#### Absent—Excused

Hill	Metcalfe
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The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 9, A bill to be entitled "An Act providing the method of making application to purchase or lease unsurveyed school land commonly known as vacancies; providing for notice to those whose rights may be affected and a public hearing; providing a limitation upon the time in which such application must be acted upon and in which suit may be filed to establish the same; validating long established lines and corners and providing for presumption of their correctness in trials involving location of boundaries and attempts to locate vacancies between surveys long considered to adjoin; placing the burden of proof upon the party asserting such vacancy; giving a preference right to purchase such vacancy to the person or persons claiming the same in good faith regardless of the proximity of such land to wells producing oil or gas at a price dependent on whether or not such vacancy is excess land and providing that such purchase shall

be subject to certain mineral reservations as a free royalty to the State; fixing the time and conditions under which such preference right to purchase may be exercised; repealing all laws or parts of laws in conflict herewith; providing that if a part of this Act shall be held unconstitutional such holding shall not affect the remainder hereof, and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 9, Section 3, by striking out all the words after the words: "except that" in the last sentence of Section 3 and inserting in lieu thereof the following: "suit thereon shall be filed (if not already filed) within the time limits fixed in subsection (i) hereof."

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 9, Page 2, line 32, by adding the following: "Provided a person shall own said property for five years before he shall be a good faith claimant."

Senator Weinert moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

#### Yeas—13

Head	Stone
Kelley	of Galveston
Lemens	Stone
Martin	of Washington
Moffett	Van Zandt
Roberts	Weinert
Shivers	Winfield
Small	

#### Nays—15

Aikin	Isbell
Beck	Lanning
Brownlee	Moore
Burns	Nelson
Collie	Pace
Cotten	Spears
Graves	Sulak
Hardin	

#### Absent

Redditt

#### Absent—Excused

Hill Metcalfe

Senator Lanning offered the following substitute for the amendment:

Amend H. B. No. 9, Page 2, line 32, by adding the following: "Provided a person or those under whom he claims, shall have had said land in his inclosure and be in possession thereof for a period of five years with a good faith belief that he was the owner thereof and that same was included within his survey."

LANNING,  
MARTIN.

Question—Shall the substitute be adopted?

(President Pro Tempore in the Chair.)

Senator Lanning moved to table the bill subject to call.

Yeas and nays were demanded, and the motion to table subject to call prevailed by the following vote:

#### Yeas—15

Brownlee	Martin
Burns	Moore
Collie	Nelson
Cotten	Pace
Hardin	Stone
Isbell	of Washington
Lanning	Sulak
Lemens	Van Zandt

#### Nays—14

Aikin	Shivers
Beck	Small
Graves	Spears
Head	Stone
Kelley	of Galveston
Moffett	Weinert
Redditt	Winfield
Roberts	

#### Absent—Excused

Hill Metcalfe

#### Relative to Further Consideration of House Bill 194

Senator Spears moved to suspend the Senate rule relative to reconsideration in order that he might move to reconsider the vote by which the Senate, on April 12, 1939, adopted the report of the Conference Committee on H. B. No. 194, known as the Barber Bill.

Senator Weinert raised the point of order: That the bill having been duly passed, signed, and presented to the Governor, has passed per-

manently from the possession of the Senate and is not subject to further consideration by it.

The President Pro Tempore stated that the point of order is not well taken as a bar to the making of the motion to suspend nor to the Senate's consideration of the motion.

The motion to suspend prevailed by the following vote:

**Yeas—24**

Aikin	Moore
Brownlee	Nelson
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Moffett	Winfield

**Nays—3**

Beck	Weinert
Pace	

**Absent**

Burns	Small
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**Absent—Excused**

Hill	Metcalf
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(President in the Chair.)

**House Bills on First Reading**

The following bills, received from the House today, were laid before the Senate, read severally first time, and laid before the committees indicated:

H. B. No. 1038, to Committee on Finance.

H. B. No. 50, to Committee on Highways and Motor Traffic.

**Bill Signed**

The President signed, in the presence of the Senate, after its caption had been read, the following enrolled bill:

H. B. No. 6, "An Act amending Article 835-C, Revised Civil Statutes of Texas, Acts Forty-first Legislature, 1930, Fifth Called Session, Chapter 10, page 125, providing that cities or counties in this State, acting by or through the governing body of

such city or county, may donate lands to the State of Texas or United States of America for hospital purposes, and declaring an emergency."

**Concert by Glee Club of Southwestern University**

Pursuant to Senate Resolution No. 69, the President announced that the hour had arrived for a concert by the Glee Club of Southwestern University, and he appointed Senators Brownlee, Graves and Head as a committee to escort the director and members of the club to the bar of the Senate.

The committee performed the duty assigned it, and Senator Brownlee presented the club and Madame Slaviansky, its director, to the Senate.

Under the direction of Madame Slaviansky, the club rendered a program for the Senate.

Senator Brownlee moved that the thanks of the Senate be extended to the club and Madame Slaviansky for their concert.

The motion prevailed unanimously.

Senator Van Zandt moved that the Glee Club of Southwestern University be adopted as the official choral club of the Senate.

The motion prevailed unanimously.

**Recess**

On motion of Senator Stone of Washington, the Senate, at 12:10 o'clock p. m., took recess to 2:15 o'clock p. m., today.

**Afternoon Session**

The Senate met at 2:15 o'clock p. m., and was called to order by the President Pro Tempore.

**Conference Committee on House Bill 166**

Senator Winfield called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 166.

Senator Winfield moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President Pro Tempore appointed the following con-

ferrees on the bill on the part of the Senate: Senators Winfield, Isbell, Pace, Martin and Beck.

**Request for Conference Committee on House Bill 256 Granted**

Senator Roberts called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 256.

Senator Roberts moved that the request of the House be granted.

The motion prevailed.

**Request for Conference Committee on House Bill 257 Granted**

Senator Roberts called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 257.

Senator Roberts moved that the request of the House be granted.

The motion prevailed.

**Message from the House**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 3, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. C. R. No. 72 by a vote of 129 ayes and 2 noes.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

**Committee Substitute for House Bill 933 on Second Reading**

The President Pro Tempore laid before the Senate, as a special order for this hour on its second reading and passage to third reading:

Committee Substitute H. B. No. 933, A bill to be entitled "An Act making an appropriation for the next biennium, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State; making allocations of said appro-

priation, setting forth the benefits thereof; authorizing aid to such schools in accordance with the conditions specified herein; providing for the maintenance for a certain length of term of all schools meeting the requirements of this Act; providing for the payment each year of the biennium of high school tuition for rural school pupils; providing for the payment of Transportation Aid under certain conditions; specifying the penalties for violations of any provision of this Act; declaring it to be unlawful for any agent or employee of the State to violate any provision of this Act, and prescribing the punishment therefor; providing all costs of administering funds named in this Act shall be paid out of moneys appropriated in this Act under authority of the State Superintendent of Public Instruction under the direction of the Supervisory Board as provided for in this Act; authorizing the State Superintendent of Public Instruction, under the direction of the Supervisory Board as provided for in this Act, to administer the funds appropriated herein; providing purposes for which funds appropriated hereunder may be used; providing for the method and manner of appointing certain employees; providing for application for aid and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 933, Section 2, Line 55, Page 2, by adding the following after the word "districts":

"Provided further that the maximum limitations as to scholastic population herein set forth shall not apply for any type of aid to school districts containing forty-eight (48) square miles of territory or more, or which is nine (9) miles or more in length, provided there is not located in such district an incorporated city or town having a population of more than thirty-six hundred (3,600) inhabitants, according to the last preceding Federal Census."

Senator Van Zandt offered the following amendment to the amendment:

Amend pending amendment by adding thereto the following: "If the budgetary needs of such school districts coming within the provisions of this exception show a need therefor as provided in this Act."

The amendment to the amendment was adopted by the following vote:

## Yeas—18

Aikin	Moore
Beck	Pace
Brownlee	Small
Collie	Stone
Cotten	of Galveston
Graves	Stone
Hardin	of Washington
Isbell	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	

## Nays—8

Burns	Nelson
Head	Redditt
Kelley	Shivers
Lanning	Winfield

## Absent

Roberts	Spears
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## Absent—Excused

Hill	Metcalf
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The amendment as amended then was adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 933, Page 3, Line 59, by inserting the following between the word "except" and the word "superintendents": "Vocational agriculture teachers, and Trades and Industries teachers may be paid for twelve (12) months and Vocational Home Economics teachers may be paid not to exceed ten (10) months, and—"

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 933, Page 4, Section 9, Line 16, by striking out all after the word "year" in Line 16; all of Line 17; and the word "year" in Line 18.

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 933 by adding at the end of Section 12 the following:

"And there is hereby set aside the sum of \$6,600.00, which shall be used by the State Auditor's Department as follows:

1. Auditor in charge of approving rural aid grants, \$3,000.00 for each year, and two (2) assistant Auditors at \$1,800.00 each for each year.

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend Committee Substitute for H. B. No. 933, page 3, Section 4, line 11, by striking out the following:

"provided such transfers are from the districts eligible to receive aid under Section 6 of this Act, for the current year";

STONE of Washington,  
AIKIN.

The amendment was adopted.

Senator Lanning offered the following amendment to the bill:

Amend H. B. 933 page 4, line 56, by adding after "County Board" the following:

Provided that all school districts containing 100 sq. mi. of territory or more may receive \$2.00 per month per pupil.

WINFIELD,  
LANNING.

Senator Van Zandt offered the following amendment to the amendment:

Amend pending amendment by adding thereto the following:

"in the event the transportation budget shows a need therefor"

(Senator Weinert in the Chair.)

Senator Winfield moved to table the amendment to the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—21

Aikin	Redditt
Burns	Roberts
Collie	Shivers
Hardin	Small
Head	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Martin	of Washington
Moffett	Sulak
Nelson	Winfield
Pace	

## Nays—6

Brownlee	Moore
Cotten	Van Zandt
Graves	Weinert

## Absent

Beck	Lemens
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## Absent—Excused

Hill	Metcalfe
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Question recurring on the amendment of Senator Lanning, it was adopted.

Senator Cotten offered the following amendment to the bill:

Amend H. B. No. 933 by adding new paragraph as follows:

"Sec. 9. It is also provided that high school tuition, in an amount not to exceed Two Dollars and Fifty Cents (\$2.50) per pupil per month, may be granted for high school pupils residing in consolidated or rural high school districts composed of not less than three (3) original districts, provided said consolidated or rural high school districts maintain high schools having at least eight (8) units of affiliation, provided the assessed valuation of property in such districts is less than Fifteen Hundred Dollars (\$1,500.00) per pupil, and the budget shows that such tuition is needed to properly maintain the school."

COTTEN,  
BURNS.

The amendment was adopted.

Senator Pace offered the following amendment to the bill:

Amend H. B. No. 933 at page 2 and the end of line 64 by adding the following:

"The provisions of this Section as to 'Distance between schools' shall not apply when a Common School District is located contiguous to any Independent School District which is located wholly within the city limits of any home rule city with no city charter provision for consolidation election and which said Independent School District is operated and governed by said city.

"Notwithstanding the provisions of any other Section of this bill, any aid given shall be based on need."

The amendment was adopted.

Senator Nelson offered the following amendment to the bill:

Amend H. B. No. 933, Section 10, page 4, lines 51 and 52, by striking out the following, after the words "high school":

"And not more than One Dellar (\$1.00) per month per pupil for those transported to elementary schools;"

And substituting therefor the following:

"and Two (\$2.00) Dollars per month per pupil for those transported to elementary schools;"

Question—Shall the amendment be adopted?

## Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
May 3, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am requested to announce that the House of Representatives has passed Resolution No. 109, recalling H. B. No. 194 from the Governor's Office for further consideration; and

That the House has suspended the necessary rules and adopted the motion to reconsider the vote by which the free conference committee report on H. B. No. 194 was adopted; and

Has adopted the motion not to adopt the free conference committee report on H. B. No. 194; and

Has requested the appointment of a new conference committee.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

(President in the Chair.)

## Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 885, "An Act authorizing County Commissioners' Courts and the City Commission of any incorporated town to lease or rent office space for the purpose of aiding and cooperating with the agen-

of the State and Federal Governments engaged in the administration of relief of the unemployed and needy people in the State of Texas, and to pay the regular monthly utility bills for such offices, such as lights, gas and water; to pay for such leases, rentals and utilities out of the General Fund when in the opinion of a majority of the Commissioners' Court such is essential to the proper administration of such agencies of either the State or Federal Governments; providing for the validation of all actions, proceedings, orders and contract for such rentals, leases or utility bills heretofore made by any Commissioners' Court; providing that if any part of this Act shall ever be held unconstitutional, such holding shall not affect the validity of the remaining portions of the Act, and declaring an emergency.

H. B. No. 929, "An Act to prohibit cities, towns and villages from dedicating or establishing thoroughfares or public streets and/or alleys through certain parks commonly known as amusement parks and to prevent general vehicular traffic through same and permitting cities, towns and villages to otherwise regulate vehicular traffic in parks; repealing all laws and parts of laws in conflict, and declaring an emergency."

H. B. No. 939, "An Act amending Article 6625 of the 1925 Revised Civil Statutes of Texas by adding thereto a new article 6625a providing for the recording of certified copies of instruments effecting real estate which have been previously filed for record without the State of Texas or in counties other than those in which such real estate is located, and declaring an emergency."

H. B. No. 893, "An Act authorizing the Commissioners' Court of counties having a population of not less than two hundred and ninety thousand (290,000) inhabitants, and not more than three hundred and twenty thousand (320,000), according to the last preceding Federal Census, to appoint a County Building Inspector and assistants, providing for the payment of salary to such appointees, providing for the issuance of building permits by such Inspector, and authorizing a charge therefor,

exempting Federal, State, county, city governments and other political subdivisions thereof from the provisions of this Act, prescribing penalties for failure to secure permits, and declaring an emergency."

H. B. No. 715, "An Act amending Article 199, Revised Civil Statutes of Texas, 1925, as amended by the Forty-fifth Legislature, regular Session, Senate Bill No. 431, insofar as the same relates to the 76th Judicial District composed of Titus, Franklin, Camp, Morris and Marion Counties; providing certain changes in the terms of said Counties; providing that any court in session at the time this Act becomes effective shall close its term in conformity herewith; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 679, "An Act to amend Article 7255 of the Revised Civil Statutes of 1925, by providing that the Commissioners Court of any County may order the Tax Assessor and Collector of said County to post notices in each voting or justice precinct in said county of the date when said Assessor and Collector of Taxes will meet with taxpayers in said precinct for the purpose of receiving taxes, and declaring an emergency."

H. B. No. 622, "An Act amending Section 2, Article 2326e of the Revised Civil Statutes of Texas, 1925, as amended, providing for 'salaries of reporters in certain counties,' so that the same shall hereafter read as follows."

H. B. No. 698, "An Act to declare it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means any wild deer, buck, doe, fawn, or wild turkey in Parker County for a period of four (4) years from and after the passage of this Act: providing for the protection of pastures, crops and/or gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

H. C. R. No. 72, Granting L. L. White, his heirs, executors, and administrators permission to bring suit against the State of Texas and the Highway Commission of Texas.

H. C. R. No. 123, Relating to visit of the Texas Cowboy Band of Hardin-



Simmons University to the New York World's Fair.

**Report of Conference Committee on  
H. B. No. 92**

Senator Head submitted at this time the following report of the Conference Committee on H. B. No. 92:

Austin, Texas,  
May 2, 1939.

Hon. Coke R. Stevenson, President of  
the Senate.  
and

Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on H. B. No. 92, have met and beg leave to recommend that said H. B. No. 92 be passed in the form hereto attached.

Respectfully submitted,

READER of Erath,  
JOHNSON of Tarrant.  
HULL,

On the part of the House.

HEAD,  
MARTIN,  
GRAVES,

On the part of the Senate.

By Johnson of Tarrant. H. B. No. 92.

**A BILL  
TO BE ENTITLED**

An Act amending Article 2618 of the Revised Civil Statutes of Texas of 1925 changing the status of John Tarleton Agricultural College from a Junior College to a standard four-year college, and providing for a course of study for said college; and amending Article 2620 of the Revised Civil Statutes of Texas of 1925 changing the name of North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to the name of North Texas Agricultural College, and placing said school under the Board of Directors of the Agricultural and Mechanical College of Texas; and amending Article 2621 of the Revised Civil Statutes of Texas of 1925 changing the status of said Junior College to a standard four-year college, and providing for a course of study for the same; and expressly repealing Articles 2622 and 2623 of the Revised Civil Stat-

utes of Texas of 1925; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 2618 of the Revised Civil Statutes of Texas of 1925 is hereby amended and shall hereafter read as follows:

Article 2618. The John Tarleton College, located at Stephenville, Texas, in Erath County, is hereby taken over by the State, under the terms and conditions set forth elsewhere in this Act, and the same established as a coeducational State institution of agriculture, home economics, arts and sciences.

"The Board of Directors of the Agricultural and Mechanical College shall have all the powers necessary to establish and maintain said College as a coeducational institution in the arts and sciences and education, and to furnish instruction in agriculture, horticulture, floriculture, engineering, stock raising, and domestic arts and sciences, including the several branches and studies usually taught in the established institutions of like character, having in view the training of the youth for the more important industrial activities of life, while acquiring facilities for the acquirement of a good practical literary education, and such courses of study shall be offered in the John Tarleton Agricultural College as are found in the senior colleges of the first rank in similar fields in Texas or elsewhere, providing that any Bachelor Degree shall be based on four (4) years of college work, and provided that all work done and all credits, certificates, and diplomas given to students shall conform to standard college requirements as proposed by the accredited agencies of Texas, and other sections of the country. However, no degrees shall ever be conferred other than Bachelor's Degrees in the Arts and Sciences."

Sec. 2. Article 2620 of the Revised Civil Statutes of Texas of 1925 shall hereafter read as follows:

"Article 2620. The North Texas Agricultural College at Arlington shall be under the direction of the Board of Directors of the Agricultural and Mechanical College of Texas."

Sec. 3. Article 2621 of the Revised Civil Statutes of Texas of 1925 shall hereafter read as follows:

"Article 2621. The Board of Directors of the Agricultural and Me-

chanical College may have all the powers necessary to establish and maintain said College as a coeducational institution in the arts and sciences and education, and to furnish instruction in agriculture, horticulture, floriculture, engineering, stock raising, and domestic arts and sciences, including the several branches and studies usually taught in the established institutions of like character, having in view the training of the youth for the more important industrial activities of life, while acquiring facilities for the acquirement of a good practical literary education, and such courses of study shall be offered in the North Texas Agricultural College as are found in the senior colleges of the first rank in similar fields in Texas or elsewhere, providing that any Bachelor Degree shall be based on four (4) years of college work, and providing that all work done and all credits, certificates, and diplomas given to students shall conform to standard college requirements as proposed by the accredited agencies of Texas and other sections of the country. However, no degrees shall ever be conferred other than Bachelor's Degrees in the Arts and Sciences."

Sec. 3-A. It is hereby declared the intent of the Legislature to raise the rank of the North Texas Agricultural College at Arlington and the John Tarleton Agricultural College at Stephenville from Junior Colleges offering two years of standard college work to the rank of four year colleges offering bachelor degrees in the Arts and Sciences as heretofore outlined in this Act, and it shall be the duty of the Board of Directors of the Agricultural and Mechanical College of Texas to recommend what courses shall be offered in said school.

Sec. 4. Articles 2622 and 2623 of the Revised Civil Statutes of Texas of 1925 are hereby expressly repealed.

Sec. 5. The fact that the communities in which John Tarleton Agricultural College and the North Texas Junior Agricultural, Mechanical and Industrial College are located are in vital need of the services to be offered by a four-year college, and the fact that said Colleges may immediately begin preparing to offer a four-year college course as provided herein, and the fact that the name "North Texas Agricultural College" will better serve its intended purpose than the name "North Texas Junior Agricultural, Mechanical and Industrial Col-

lege" create an imperative public necessity and emergency requiring that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

Senator Shivers moved that further consideration of the report be postponed until next Monday, May 7, 1939.

Senator Martin moved the previous question on the motion to postpone, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

## Yeas—13

Brownlee	Nelson
Collie	Spears
Graves	Stone
Hardin	of Galveston
Head	Sulak
Kelley	Van Zandt
Martin	Winfield

## Nays—16

Aikin	Pace
Beck	Redditt
Burns	Roberts
Cotten	Shivers
Isbell	Small
Lanning	Stone
Lemens	of Washington
Moffett	Weinert
Moore	

## Absent—Excused

Hill	Metcalf
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Yeas and nays were demanded on the motion to postpone, and the motion was lost by the following vote:

## Yeas—11

Beck	Roberts
Isbell	Shivers
Lanning	Small
Moffett	Stone
Pace	of Washington
Redditt	Weinert

## Nays—16

Aikin	Graves
Brownlee	Hardin
Collie	Head

Kelley	Stone
Lemens	of Galveston
Martin	Sulak
Moore	Van Zandt
Nelson	Winfield
Spears	

## Paired

Senator Burns (present), who would vote "nay" with Senator Hill (absent), who would vote "yea."

Senator Cotten (present), who would vote "nay" with Senator Metcalfe (present), who would vote "yea."

Senator Martin moved the previous question on the adoption of the report, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

## Yeas—14

Brownlee	Nelson
Collie	Spears
Graves	Stone
Hardin	of Galveston
Head	Sulak
Kelley	Van Zandt
Lemens	Winfield
Martin	

## Nays—15

Aikin	Pace
Beck	Redditt
Burns	Roberts
Cotten	Shivers
Isbell	Small
Lanning	Stone
Moffett	of Washington
Moore	Weinert

## Absent—Excused

Hill	Metcalfe
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Senator Roberts moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

## Yeas—12

Beck	Roberts
Cotten	Shivers
Isbell	Small
Lanning	Stone
Moffett	of Washington
Pace	Weinert
Redditt	

## Nays—17

Aikin	Martin
Brownlee	Moore
Burns	Nelson
Collie	Spears
Graves	Stone
Hardin	of Galveston
Head	Sulak
Kelley	Van Zandt
Lemens	Winfield

## Absent—Excused

Hill	Metcalfe
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Senator Shivers asked unanimous consent of the Senate that an executive session of the Senate be held at 4:52 o'clock p. m., today.

The President announced there was objection to the request.

Senator Shivers moved that Senate rule 79 be suspended to permit an executive session of the Senate to be held today.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—15

Aikin	Pace
Beck	Redditt
Burns	Roberts
Cotten	Shivers
Isbell	Small
Lanning	Stone
Moffett	of Washington
Moore	Weinert

## Nays—13

Brownlee	Nelson
Collie	Spears
Graves	Stone
Hardin	of Galveston
Head	Sulak
Kelley	Van Zandt
Martin	Winfield

## Absent

Lemens
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## Absent—Excused

Hill	Metcalfe
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Senator Roberts raised a point of order on further consideration of the report, on the ground that the conference committee appointed to adjust the differences between the two Houses on the bill (H. B. No. 92) has not met and considered said differences at a meeting of the committee.

The President overruled the point of order.

Senator Brownlee moved the previous question on the adoption of the report, and the motion was duly seconded.

The main question then was ordered by the following vote:

## Yeas—16

Brownlee	Nelson
Collie	Pace
Graves	Spears
Hardin	Stone
Head	of Galveston
Kelley	Sulak
Lemens	Van Zandt
Martin	Winfield
Moore	

## Nays—13

Aikin	Redditt
Beck	Roberts
Burns	Shivers
Cotten	Small
Isbell	Stone
Lanning	of Washington
Moffett	Weinert

## Absent—Excused

Hill	Metcalfe
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Question recurring on the adoption of the report, yeas and nays were demanded.

The report was adopted by the following vote:

## Yeas—15

Brownlee	Moore
Collie	Nelson
Graves	Spears
Hardin	Stone
Head	of Galveston
Kelley	Sulak
Lemens	Van Zandt
Martin	Winfield

## Nays—12

Aikin	Roberts
Beck	Shivers
Isbell	Small
Lanning	Stone
Metcalfe	of Washington
Moffett	Weinert
Redditt	

## Paired

Senator Burns (present), who would vote "yea" with Senator Hill (absent), who would vote "nay."

Senator Pace (present), who would vote "nay" with Senator Cotten (absent), who would vote "yea."

## Senate Bill 449 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to permit consideration of S. B. No. 449 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 449, A bill to be entitled "An Act finding that the area of land lying south of a line on the north bank of Arroyo Colorado in Cameron County and included in the boundaries of Cameron County Water Control and Improvement District Number Nineteen, in Cameron County, as such boundaries were originally described, cannot be irrigated by gravity flow and can only be irrigated by expensive pumping operations at excessive costs; that the construction of an irrigation system on said area of land would impose unequal tax burdens on other lands in the District; that the exclusion of said area of land from the boundaries of said District and the assumption by the redefined District of the outstanding bonds of the District will benefit all lands and all owners of lands remaining in the District and result in a more efficient operation of the District; that said area should be excluded from the boundaries of the District; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 449 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 449 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Head
Beck	Isbell
Brownlee	Kelley
Burns	Lanning
Collie	Lemens
Graves	Martin
Hardin	Metcalfe

Moffett	Stone
Moore	of Galveston
Nelson	Stone
Pace	of Washington
Redditt	Sulak
Roberts	Van Zandt
Shivers	Weinert
Small	Winfield
Spears	

Absent—Excused

Cotten Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten Hill

#### Senate Bill 69 with House Amendments

Senator Van Zandt called up S. B. No. 69 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Senator Van Zandt moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Van Zandt, Moore, Pace, Martin and Graves.

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted by the committee chairmen whose names are signed thereto:

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 61, A bill to be entitled "An Act amending Article 4604c, Revised Civil Statutes of Texas as enacted by Acts of the Forty-first Legislature, 1929, Regular Session, Page 260, Ch. 114; providing that each of the parties entering into a contract of marriage in Texas be thoroughly examined by a physician legally licensed to practice medicine in Texas, who at the time of the said examinations caused to be made of specimens taken from such persons standard serological tests and such other laboratory procedures as are essential to the determination of freedom from syphilis and all other venereal diseases; etc., . . . and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass as amended and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
May 3, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1038, A bill to be entitled "An Act appropriating Twelve Thousand (\$12,000) Dollars, or so much thereof as may be necessary for the month of June, 1939, and Twenty-one Thousand (\$21,000) Dollars, or so much thereof as may be necessary, for the month of July, 1939, and Twenty-one Thousand (\$21,000) Dollars, or so much thereof as may be necessary, for the month of August, 1939, out of any monies in the Treasury not otherwise appropriated, to defray the administrative expenses of the Texas Relief Commission incurred in connection with the distribution of surplus commodities, the investigation and certification of clients to Works Progress Administration, Civilian Conservation Corps, and National Youth Administration, the adminis-

tration and liquidation of Federal programs in Texas, and the performance of the duties imposed by law upon such Texas Relief Commission, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Austin, Texas,  
May 3, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 447, by Moffett, A bill to be entitled "An Act to declare a State policy regarding the encouragement and stimulation of new uses for cotton; directing that the various State agencies shall take due notice of such policy; directing particular State agencies to do the same; provided that certain agencies of the State Government shall be revamped and reorganized; directing the Governor to carry out the policy established by this Act; creating the Cotton Research Award Fund; making an appropriation therefore; providing for a Board of Trustees for said fund; providing the duties and powers of said Board of Trustees; setting forth certain conditions concerning expenditures from said fund; providing for the Comptroller to pay warrants drawn against said fund; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Austin, Texas,  
May 3, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 910, by Rhodes, A bill to be entitled "An Act validating, ratifying, and confirming all elections held for the issuance of bonds for the purpose of building school houses in consolidated common school districts in this State, where such school districts are located in counties having a population of not less than twenty-seven thousand, one hundred

(27,100), and not more than twenty-seven thousand, four hundred and ten (27,410), according to the last Federal Census."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Recess

Senator Weinert moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Senator Spears moved that the Senate recess until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—12

Beck	Small
Burns	Stone
Lanning	of Washington
Moore	Van Zandt
Pace	Weinert
Roberts	Winfield
Shivers	

Nays—15

Aikin	Martin
Brownlee	Metcalf
Collie	Moffett
Hardin	Nelson
Head	Spears
Isbell	Stone
Kelley	of Galveston
Lemens	Sulak

Absent

Graves	Redditt
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Absent—Excused

Cotten	Hill
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Question next recurring on the motion to recess, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—16

Brownlee	Isbell
Graves	Kelley
Hardin	Lanning
Head	Lemens

Martin  
Metcalf  
Moffett  
Nelson  
Spears

Stone  
of Galveston  
Sulak  
Winfield

#### Nays—12

Aikin  
Beck  
Burns  
Collie  
Moore  
Pace  
Roberts

Shivers  
Small  
Stone  
of Washington  
Van Zandt  
Weinert

#### Absent

Redditt

#### Absent—Excused

Cotten

Hill

The Senate, accordingly, at 5:50 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

### SIXTY-SECOND DAY

#### (Continued)

(Thursday, May 4, 1939)

The Senate met at 10:00 o'clock a. m., and was called to order by the President Pro Tempore.

#### Leave of Absence Granted

Senator Moffett was granted leave of absence for today on account of illness, on motion of Senator Lanning.

#### Committee Substitute for House Bill 933 on Passage to Third Reading

The Senate resumed consideration of the pending special order, same being C. S. H. B. No. 933, the School Aid Bill, on its passage to third reading; with the following amendment by Senator Nelson pending:

Amend H. B. No. 933, Section 10, page 4, lines 51 and 52, by striking out the following, after the words "high school":

"And not more than One Dollar (\$1.00) per month per pupil for those transported to elementary schools;"

And substituting therefor the following:

"And Two (\$2.00) Dollars per month per pupil for those transported to elementary schools."

Question—Shall the amendment be adopted?

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on H. B. No. 166 by a vote of 149 ayes and 0 noes.

The House has concurred in Senate amendments to H. B. No. 161 by a vote of 127 ayes and 0 noes.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Senate Bill 33 with House Amendments

Senator Redditt called up S. B. No. 33 from the President's table, for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill before the Senate, and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

Senator Redditt moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President Pro Tempore appointed the following conferees on the bill on the part of the Senate: Senators Pace, Burns, Cotten, Shivers and Redditt.

#### Report of Conference Committee on House Bill 518

Senator Redditt submitted the following report of the Conference Committee on H. B. No. 518:

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House.

Sirs: We, your Conference Com-